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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,744	08/08/2006	Heiko Kober	095309.56874US	5948

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,744	Applicant(s) KOBET ET AL.	
	Examiner COURTNEY D. FIELDS	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12 October 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5 have been cancelled.
2. Claims 6-13 have been added.
3. Claims 6-13 are pending.

Information Disclosure Statement

4. The Information Disclosure Statement respectfully submitted on 12 October 2005 has been considered by the Examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being obvious over Fritz et al. (Pub No. 2003/0225485) in view of Gustafson et al. (Pub No. 2004/02343992).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR

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1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Referring to the rejection of claim 6, Fritz et al. discloses a method for checking data integrity of flashware in electronic control devices having at least one microprocessor, (See page 6, Section 0081) at least one flash memory, (See page 6, Section 0081) at least one boot sector, (See page 2, Section 0026) at least one buffer (See page 2, Section 0018) and at least one interface for downloading the flashware, (See page 5, Section 0064) said method comprising:

loading the flashware into a buffer; (See page 5, Section 0075)

However, Fritz et al. does not explicitly disclose calculating at least two checksums for the flashware in the buffer, wherein said calculating step includes performing cyclic block protection method for checking for transmission errors, and a hash value calculation for checking the authenticity of the flashware.

Gustafson et al. discloses a mobile services network having an electronic device with an update agent that may be capable of updating firmware and application software stored in non-volatile memory with flash memory chips.

Gustafson et al. discloses the claimed limitation of calculating at least two checksums for the flashware in the buffer; (See page 5, Section 0081)

Gustafson et al. further discloses two memory devices storing flash memory chips stored within the mobile handset. These two flash memory chips are authenticated and updated within the firmware. (See page 5, Sections 0083-0084)

Gustafson et al. discloses the claimed limitation of calculating step includes performing a cyclic block protection method for checking for transmission errors, and a hash value calculation for checking the authenticity of the flashware. (See page 5, Section 0081)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC (cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 7, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein a cyclic block protection method, authentication by a message authentication code, and a hash value calculation are carried out for the flashware in the buffer. (See page, Section)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC

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(cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 8, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein a cyclic block protection method (See Gustafson et al., page 5, Section 0081), signature checking (See Fritz et al., page 2, Section 0026), and a hash value calculation (See Gustafson et al., page 5, Section 0081) are carried out for the software in the buffer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC (cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 9, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein the signature checking is carried out using a public key method. (See Fritz et al., page 2, Section 0026)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC

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(cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 10, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein after the block protection method the security class of the software to be checked is interrogated. (See Fritz et al., page 8, Sections 0128 and 0130)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC (cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 11, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein after the block protection method the security class of the software to be checked is interrogated. (See Fritz et al., page 8, Sections 0128 and 0130)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC

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(cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 12, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein after the block protection method the security class of the software to be checked is interrogated. (See Fritz et al., page 8, Sections 0128 and 0130)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC (cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Referring to the rejection of claim 13, (Fritz et al. modified by Gustafson et al.) discloses the claimed limitation wherein after the block protection method the security class of the software to be checked is interrogated. (See Fritz et al., page 8, Sections 0128 and 0130)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fritz et al.'s accepting data method and Gustafson et al.'s update system using flash memory chips. Motivation for such an implementation would enable verifying the updating of the memory device using a CRC

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(cyclic redundancy check), a checksum value, a hash code, and a digital signature (See Gustafson et al.'s, Column 1, Section 0014)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/
Examiner, Art Unit 2137
September 25, 2008

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Supervisory Patent Examiner, Art Unit 2137